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ABSTRACT

Current print and broadcast journalism is moving away from a concept of journalism as "information people need to know" towards a notion of the "Right to Know": everything conceivable about everyone is newsworthy. It is axiomatic that a well-informed public is a better electorate. However, the First Amendment guarantee of freedom of speech has been stretched by journalists into the "right to know," an elastic definition of newsworthiness creating a jungle of journalistic voyeurism, providing information that titillates rather than informs. The recent coverage of soap-opera elements of public figures' lives (such as Gary Hart) provides several cases in point. The American Mass Media Machine should re-orient itself toward an ethically-based journalism, one which includes in its criteria of newsworthiness decency and fairness, "redeeming social value," and maintaining the dignity of news subjects. Otherwise, its credibility will suffer. Moreover, information important to the electorate may go unreported or be lost in trivialities. Business (financial) decisions determine newsworthiness; sex and sleaze sell papers and garner ratings points. However, the public's needs should prevail over the ledger sheet--the Mass Media Machine should use discriminating taste and judgment in deciding what information to present and how to present it. (SR)

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THE MEDIA AS VOYEUR: WHAT IS OUR "RIGHT TO KNOW?"

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INTRODUCTION

During the 200+ years of this country's growth and development, it has become increasingly axiomatic that a well-informed public is a better electorate, that the more information people have available to them, the better will be their decision-making processes and products. This axiom is trotted out for public display, much like grandmother's heirloom comforter, on significant political/ceremonial occasions: electoral contests, Fourth of July celebrations, and every meeting of every chapter of Sigma Delta Chi. "The more the people know," we are told, "the better off our democratic form of government will be."

Those enamored of the print media tend to quote Thomas Jefferson on this topic, especially part of Jefferson's letter of January 16, 1787:

> The way to prevent these irregular interpositions of the people, is to give them full information of their affairs through the channel of the public papers, and to contrive that those papers should penetrate the whole mass of the people. The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter (Douglas, 11).

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Thus, we have the two centuries-old statement from one of our

preeminent Founding Fathers which attests to the critical importance of information gathering and dissemination. Information is not a social frill; information is vital for the health and operation of the body politic.

Of course, we can be heartened by the fact that the basic concept embodied in Jefferson's letter was concretized in our governmental framework in the First Amendment. However, over the years, and especially during the past 20 years or so, there has been an attempt to stretch both Jefferson and the First Amendment into that which has become known as the "right to know," and it is with this elasticized concept that my analysis will focus.

THERE IS NO ABSOLUTE "RIGHT TO KNOW"

To start at the appropriate baseline, let us review the actual wording of our First Amendment, for it strikes me that there are more people who cite that compound sentence than who actually know what it says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, or to petition the government for a redress of grievances.

You may read and re-read that beautifully-composed sentence hundreds of times and never will the phrase "the right to know" jump out. It simply is not there. As Everette Dennis has noted, "The right to know is not an inalienable right guaranteed by the Constitution, but is instead something that was invented by journalists" (32). While you or I might wish that James Madison and others had inserted "the right to know" within the First Amendment, all of wishing is useless. There is no Constitutional mandate for the oft-cited "right to know" concept.

However, despite the absence of such a constitutional foundation, the American Mass Media Machine has tended to operate as if such a foundation did exist, and this skewed view is on the increase. Under the guise of providing "news" to its readers, viewers, and listeners, the Machine unilaterally has decided that the public has the right to know everything about everyone, and this flawed conclusion is based upon a made-up concept nonexistent in the First Amendment.

WHAT IS "NEWS?"--TODAY

The controlling reason for the Machine-inspired bastardization of the First Amendment is today's operational definition of "news." While ethically-based journalists such as David Brinkley long have defined news as "information people need to know," more and more reporters and editors have dropped consideration of the "need to know" portion of that definition. I challenge you to scrutinize a daily newspaper or a broadcast news report, study what has been presented to you, then try to determine how much of that stuff you actually needed to know. You will be surprised by your own answer.

Part of our problem with news today is traceable directly to the Watergate fiasco of the early 1970s. As the investigation into the affair deepened, and as members of the Committee for the Reelection of the President began dropping like flies, President Nixon made a televised address on April 30, 1973, in an attempt to put the issue to rest. He tried to persuade us that the system had the problem in hand:

> And I pledge to you tonight from this office that I will do everything in my power to insure that the guilty are brought to justice and that such abuses are purged from our political processes in the years to come long after I have left this office.
> Some people, quite properly appalled at the abuses that occurred, will say that Watergate demonstrates the bankruptcy of the American political system. I believe precisely the opposite is true.
> Watergate represented a series of illegal acts and bad judgments by a number of individuals. It was the system that has brought the facts to light and that will bring those guilty to justice.
> A system that in this case has included a determined grand jury, honest prosecutors, a courageous judge-- John Sirica, and a vigorous free press (Linkugel 173).

"And a vigorous free press."

Since Watergate, the American Mass Media Machine has become even more vigorous, often approaching the point of stridency. With the success of the WASHINGTON POST's team of Woodward and Bernstein (aka Redford and Hoffman), we have seen the banner of "investigative journalism" lifted higher and more frequently so that today any topic may fall prey to mass media coverage. Today, everything conceivable is considered to be news or newsworthy. As Middleton and Chamberlin have pointed out,

> Newsworthiness is an elastic term. News has been said to include 'all events and items of information which are out of the ordinary humdrum routine, and which have that indefinable quality of interest which attracts public attention.' Newsworthy events include all manner of official activities, public occurrences, tragedies, and oddities (174).

Unfortunately, by looking at the practices of our American Mass Media Macine, one would have to conclude that everything must possess "that indefinable quality of interest which attracts public attention." Consider these items:

* Reporters from the MIAMI HERALD stake-out Gary Hart's condominium, concluding that he must be having some sort of illicit affair with Donna Rice by tracking their comings and goings. Hart, the leading candidate for the presidential nomination of the Democratic Party, sees his campaign fall apart.

* While Judge Robert Bork was undergoing intense scrutiny by the United States Senate as President Reagan's nominee to the Supreme Court, reporters unearthed and published the list of videos Judge Bork had rented for viewing from a video retail outlet.

* When Ohio governor Richard Celeste was considering throwing his hat into the 1988 Presidential campaign circus, the focus of attention by reporters was his purported extra-marital affairs, not his positions on the pressing societal issues of our time.

* The biggest "news" item to spring from the short-lived nomination of Judge Douglas Ginsburg to the Supreme Court had nothing to do with his views concerning judicial interpretations of law or of the Constitution itself. Instead, the focus of attention was on the judge's use of marijuana in his earlier years. This event caused many figures in political life to come forward to cleanse themselves in the light of public confession by admitting to their past sins in the use of pot.

* Pat Robertson's campaign for the Republican Party's presidential nomination found Media Machine attention aimed at the alleged disparity between Robertson's wedding date and the birth of his first child. Could it be that the Reverend Robertson's child was conceived out of wedlock?

Our elastic definition of news and newsworthiness has become a print and broadcast jungle of journalistic voyeurism, providing not the information people need to know but information that titillates. This obsession with the soap-opera elements of public figures' lives has been a relatively recent development in professional journalism, a fact noted by Ralph Holsinger:

> Some editors take the position that people who seek the public's approval, either by entering politics or by becoming celebrities, have little or no right of privacy....In this area, there has been a marked change in journalistic ethics in the last twenty-five years. When John F. Kennedy was president, every Washington correspondent who was halfway alert heard stories of his womanizing, but no one reported it. Reporters also knew that Wilbur Mills, then chairman of the House Ways and Means Committee and one of the most powerful men in Washington, had a drinking problem. That did not get into the news until police arrested him for cavorting drunkenly in public with a stripper (208-209).

That change noted by Holsinger has not been a positive one. No sane person can conclude that the public's informational base has been aided by knowing what videos Robert Bork watches in the privacy of his own home.

WHAT "NEWS" SHOULD BE

It seems to me that the American Mass Media Machine must re-orient itself toward a more ethically-based type of print and broadcast journalism, one that is in greater alignment with the concept that news is that information which people really need to know. In general, this re-orientation should include the "three moral principles" noted by Christians, Rotzoll, and Fackler:

> The first guideline promotes decency and fairness as nonnegotiable. Even though the law does not explicitly rule out falsehood, innuendo, recklessness, and exaggeration, human decency and basic fairness obviously do. The second moral principle proposes 'redeeming social value' as a criterion for selecting which private information is worthy of disclosure. This guideline eliminates all appeals to prurient interests as devoid of newsworthiness. Third, the dignity of persons ought not be maligned in the name of press privilege. Whatever serves real people best must take priority over some cause or slogan (111).

To the extent that information does play an important part in allowing people to make better decisions about great social issues, it is essential that the presentation of information be done with discriminating judgment and taste, two qualities found wanting in a lot of the current products of our Mass Media Machine. EVERYTHING is not newsworthy; judgment and taste must be employed to determine functionally that which the public really needs to know.

Not only do human decency and basic elements of equity and fair play demand this type of judgment, but the realities of the mass media marketplace demand this change. If this type of re-orientation does not occur, then the viability and credibility of the Mass Media Machine will suffer further, for the public will take an increasingly-jaundiced view of that which is printed or broadcast. Over 80 years ago, Theodore Roosevelt spoke to this very issue in his stinging indictment of that era's "yellow journalism" by observing the dangers inherent in media exaggeration:

> There should be relentless exposure of and attack upon every evil man, whether politician or business man, every evil practice, whether in politics, in business, or in social life....[However] An epidemic of indiscriminate assault upon character does no good, but very great harm. The soul of every scoundrel is gladdened whenever an honest man is assailed, or even when a scoundrel is untruthfully assailed (Brandt & Shafter, 279).

absent discriminating judgment and taste, the entire effort of the Mass Media Machine is thrown into one pot, and the public will increasingly distrust that which is reported. While it is not true that the general public always knows what it needs to know, the public does have a better sense of journalistic taste than many elements of the Media Machine.

Tom Teepen, the editorial page editor of THE ATLANTA CONSTITUTION, has crystallized my thoughts on this issue very succinctly:

> A new habit has taken over the press. If any public figure has been found to be wayward in some matter, it is now considered not only acceptable but virtually imperative that reporters begin to query all other aspirants to big-time office on the same point....
>
> But I wonder if the public isn't about ready to begin cheering candidates who tell reporters that such groping questions are out of bounds and the answers are none of their business.
>
> It's either that and the eventual restoration of some reasonable level of discretion, or we will all have to learn to live with a new politics of transparency, agreeing to shrug off all but the most damning information on the grounds that politicians are as human as the rest of us.
>
> Personally, I would a lot rather know whether a candidate has an idea for pacifying the Persian Gulf than whether he or she ever had a lover on the side or ever huddled around a hash pipe with a bunch of teenage heads. But the way this trend is going, we will spend so much time rummaging in politicians' closets that we never will learn what they have been working on in their studies (12).

From an informational and decision-making standpoint, that is the real danger with many of the practices of today's Mass Media Machine: the public is given so much trivial and marginal information (who is watching "Debbie Does Dallas" via home VCRs: who used to shack-up with whom) that the more important information either goes unreported or is lost in the malaise of the

trivial. When "news" centers upon Gary Hart's purported relationship with Donna Rice, the candidate's position on the arms race, pollution, budget deficits, and other more significant matters is pushed aside, and only his "sexual position" receives Mass Media Machine coverage.

That is not information people really need to know; that is not the way the American Mass Media Machine should operate.

CONCLUSION

What all of us must recognize in the daily operations of the Mass Media Machine is that business (financial) decisions are in control of determinations of newsworthiness. Sex and sleaze do sell papers and garner ratings points, and that means more money for the Media Machine's coffers. Yet the American public is short-changed by "news" being determined by dollars and cents consideraions.

American media history is full of voyeuristic journalism--from the "yellow journalists" of the turn of the century, to the celebrity and political muckraking of reporters like Walter Winchell, to the garish photographs and headlines of the NATIONAL ENQUIRER, but that approach has become more a part of the mainstream of 1980s print and broadcast journalism.

We must demand that the Mass Media Machine begin to exhibit discriminating taste and judgment in deciding what information to present and how it should be presented. The public's needs must prevail over the ledger sheet, and just because one newspaper or TV program centers on sleaze does not justify or excuse others following suit.

The exercise of taste and judgment is essential if we are to have a Media Machine based upon the tenets of an Edward R. Murrow rather than a Geraldo Rivera.

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